

December 19, 2016

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Terrestrial Use of the 2473-2495 MHz Band for Low Power Mobile
Broadband Networks – IB Docket No. 13-213 – WRITTEN EX PARTE
PRESENTATION*

Dear Ms. Dortch:

We are writing on behalf of the Wireless Communications Association International (“WCA”) to address recent *ex parte* filings by Globalstar, Inc. (“Globalstar”) and others regarding Globalstar’s latest proposals for the use of the 2483.5-2495 MHz band to provide its proposed Terrestrial Low Power Service (“TLPS”).

WCA has worked closely with Globalstar over the past several weeks as Globalstar has refined its proposal to address objections that WCA and others have raised. For example, as reflected in the November 16, 2016 joint *ex parte* letter submitted by WCA, Globalstar and Sprint, the parties had agreed to a further modification of Globalstar’s November 9, 2016 modified proposal that retains for Broadband Radio Service (“BRS”) channel 1 licensees in the 2496-2502 MHz band the protection against out-of-band emissions contained in the current rules.¹ With that issue resolved, and in consideration of the other commitments made by Globalstar in this proceeding, WCA was able to endorse adoption of rules to permit TLPS.

Thereafter, on December 7, 2016, Globalstar submitted an *ex parte* letter reflecting its efforts to reach compromise with the unlicensed community operating in the spectrum below 2383.5 MHz.² In that letter, Globalstar proposed specific language for inclusion in amended Section 27.149(g) of the Commission’s Rules, language that raised serious concerns for WCA. Specifically, WCA was concerned that although terrestrial use of the 2.4 GHz Mobile Satellite Service (“MSS”) band is strictly limited to the spectrum below 2495 MHz by Section 27.149(a)(2)(iii), the Section 27.149(g)(2) language proposed by Globalstar included references

¹ See Letter from Mary N. O’Connor, counsel to WCA, L. Barbee Ponder, Globalstar, Inc., and Richard Engelman, Sprint Corp, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213 (filed Nov. 16, 2016).

² See Letter from L. Barbee Ponder, Globalstar, Inc., to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213 (filed Dec. 7, 2016).

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to spectrum above 2495 MHz (spectrum which is used terrestrially by BRS channel 1 and is not available for TLPS) and could be read to reduce the flexibility of BRS 1 licensees in the design of their service offerings.³ WCA immediately expressed its concerns about these references to Globalstar, and Globalstar has since clarified that proposed Section 27.149(g)(2) should be limited to the TLPS spectrum:

During our meeting with Commission staff on December 8, we clarified that proposed Section 25.149(g)(2) would apply only to (i) a Big LEO MSS licensee holding terrestrial low power authority in the 2483.5-2495 MHz band under Part 25 and (ii) any operator of terrestrial low power systems at 2483.5-2495 MHz under Part 25. In its order adopting the Revised Proposal, the Commission should explain the limited scope of proposed Section 25.149(g)(2) and make clear that this proposed subsection would not apply to Broadband Radio Service licensees under Part 27 operating above 2495 MHz.⁴

With these clarifications, WCA has no objection to adoption of the rules for TLPS proposed by Globalstar.⁵

³ Of course, the *Notice of Proposed Rulemaking* in this proceeding did not suggest that any limitations would be placed on BRS channel 1 licensees, and limitations on BRS channel 1 licensees cannot fairly be considered a logical outgrowth of the *Notice*. Thus, the proposed limitations cannot be adopted without running afoul of the applicable provisions of the Administrative Procedure Act. *See* 5 U.S.C. § 553(c); *Env'tl. Integrity Project v. EPA*, 425 F.3d 992, 996 (D.C. Cir. 2005).

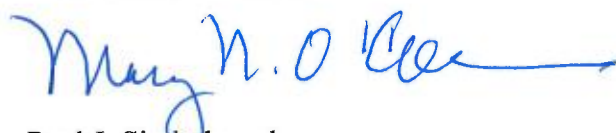
⁴ *See* Letter from Regina M. Keeney, Counsel to Globalstar, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213 (filed Dec. 12, 2016).

⁵ We note that since the filing of Globalstar's December 7, 2016 letter, several filers have endorsed Globalstar's proposed compromise with unlicensed users. *See* Letter from Michael Warnecke, Entertainment Software Association, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213 (filed Dec. 12, 2016); Letter from Edgar Figueroa, Wi-Fi Alliance, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213 (filed Dec. 12, 2016); Letter from Danielle J. Pineres, NCTA, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213 (filed Dec. 7, 2016). None of these filings appear to recognize that Globalstar's proposed language addresses spectrum that is not available for TLPS, and certainly none have suggested that limitations should be imposed on BRS channel 1 licensees. Moreover, since Globalstar submitted its December 12, 2016 clarification, none of these entities have opposed limiting the scope of Section 27.149 as agreed to between WCA and Globalstar.

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Pursuant to Sections 1.1206(b)(2) and 1.49(f) of the Commission's Rules, this letter is being filed electronically with the Commission via the Electronic Comment Filing System. Should you have any questions regarding this presentation, please contact the undersigned.

Respectfully submitted,



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